

# BUSBY CASE PROCEEDS

Slow Day, With No Sensational Developments in This Interesting Trial.

## DAWSON'S ASSETS NAMED

Had Many Friends Who Would Stand for Him in Large Amount.

Nothing sensational cropped out in the case of Busby, Dawson, et al. in the Law and Equity Court yesterday.

The case seems to have worn itself out at the edges, with frays around the bottom.

So far as the evidence shows, the defendants have not been compelled to present anything of an incriminating nature.

Counsel for the plaintiff has used every endeavor known to legal practice, and he may, in his own way, show the jury that a conspiracy existed between the defendants.

The witnesses yesterday brought out nothing new. Each of them gave evidence to show that what they did in the transaction was in the interest of Mr. Busby, and not to his detriment.

They were all business men, and, according to their statements, transacted the business in the way of the rules of man to man, without prejudice.

Upon cross-examination Mr. Dawson admitted that he had little real estate, barely worth \$1,000, but he contended that he could command as much as \$300,000 if the occasion required.

**DAWSON CROSS-EXAMINED.** When the trial was resumed yesterday morning the cross-examination of Mr. Dawson was resumed.

Witness admitted that he had said to Mr. Busby in June that, in his opinion, only three courses were left for the merchant—compromise, extension, bankruptcy.

Mr. Royall reminded witness that he had said that he consulted Mr. Bloomberg for Mr. Busby's case, and that he would be better for Mr. Bloomberg to secure the claims for the reason that most of the general creditors were of the same faith as Bloomberg.

He then asked why it was that the claims which all came to Richmond—seven in all—reached other lawyers than Mr. Bloomberg, without exception.

Witness didn't know. He remarked that he succeeded in holding off the great bulk of the claims until he had a letter to creditors, even suggesting embarrassment, was calculated to ruin a merchant's business.

He replied that he did realize that a man's credit is easily hurt. In this case he felt that the information of Busby's embarrassment would get out in a day of two anyway, and hence he armed with power as he claimed, wrote to creditors.

Mr. Royall expressed astonishment that witness should have held the opinion that Busby's June embarrassment would inevitably become known.

Mr. Royall asked numerous questions tending to elicit the acknowledgment of witness that the loans of June—\$5,000 and \$5,000 plus \$500—which witness made were simply secured by (first) deed of trust on Manchester property worth \$10,000, and transfer of \$10,000 of accounts, worth at least \$7,000.

It was Mr. Royall's contention that Dawson could have gotten the loans without Dawson's aid, and also that the banks recognized that Busby's security was gone for the sum of \$10,000. Dawson did not agree to this.

The witness characterized as "the" the emphatic statement of Lockheim in his deposition that he and Lockheim had never agreed to induce other creditors to

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# ONE MORE BAD DAY FOR MOHMONS

(Continued From First Page.)

Lord wanted his seed propagated, he would command it. This, the witness declared, justifies polygamy when a person is commanded by the Lord to enter that state. He said the commands come to individuals as revelations from the Lord.

"Have you received any individual revelation?" asked Senator Dubois.

"I can't say that I have," the witness replied.

Speaking of the endowment oath, Mr. Smith said in reply to Mr. Taylor that the obligation is the same as it has always been, but that it was not an oath; "we abjure oaths."

Mr. Smith said that he was absent from Utah during the prosecution under the Edmunds act; that he was not, therefore, prosecuted. "Was there a warrant out for you?" asked Senator Dubois.

"I can present it to you now," responded the witness with some snap. "It was returned to me."

Mr. Smith said he considered that conditions in the State of Utah justified him in the course he has pursued. "On the other hand," he said, "we have agreed not to solemnize any more plural marriages, and I don't believe," he added, bringing his clenched hand down on the

table, "that that understanding has been violated."

Repeating to questions relating to his former testimony concerning Apostle Teasdale's plural marriage since 1890, Mr. Smith said it was his understanding from Mr. Teasdale himself that at the time of that marriage Mr. Teasdale was sealed for eternity to an elderly woman who had been his housekeeper. Mr. Teasdale understood, said the witness, that when he was in no sense his legal wife, when he married Marion Scoles.

"His relation with her was just as chaste as with his sister?"

"Precisely so," the witness replied. He added that he had personally known of two other cases of "sealed" wives, and that the church sealed both for time and eternity.

Andrew Jansen, assistant historian of the church, said he had two wives who were sisters, and that they both lived in the same house, though he lives with the first. Mr. Jansen said he was not sealed in eternity to the mother of the two wives.

Lorin Harner said he was a bishop for five or six years, but had been sent to the penitentiary in 1890, upon conviction of polygamy. He said he has two wives. He said he had lived also with Ellen Anderson, but never as her husband. He said she had two children by him, one since he had returned from the penitentiary.

Mr. Harner was asked if Senator Smoot had anything to do with his arrest. "I think he caused it," he said. "He was counselor at that time to the president of the State, who was then away. He called me to prove and told me the church proposed that I should be bishop of the State. I asked him to give me time to prepare my family and then I started home."

"Why was he going to take away your offices?"

"Because I had committed a crime."

"A crime? To be frank."

"Why do you think Mr. Smoot caused your arrest?"

"Because before I reached home the sheriff overtook me and put me under arrest. I blamed Mr. Smoot for sending the sheriff after me."

Hyrum M. Smith, a son of President Smith, and one of the twelve apostles, read a speech he had made in 1881 in Brigham City, at one of the quarterly conferences, in which he said each one of the matter of obeying laws, does as he pleases, but that each must bear the consequences of his acts. He said that was his view.

Thomas H. Merrill, bishop of Richmond ward, and a son of Apostle Merrill, said he had two wives. The youngest child by the second wife is three years old. Alma Merrill, first councillor to the Benson stake, said he has two wives who are sisters.

The committee adjourned until tomorrow.

# Lee-Washington Bible.

Its True History Given in an interesting Story by General G. W. C. Lee, Its Rightful Owner.

The facts that have been published recently concerning the Lee-Washington family Bible that was stolen from the Arlington estate in the early days of the Civil War, and which is now said to be in possession of George W. Kendrick, et al., of Philadelphia, have called forth a good deal of comment, and, incidentally, have brought out a good deal of heretofore unwritten history concerning the Washingtons and the Lees.

Monday's interesting interview with General G. W. C. Lee, published in last Monday's Philadelphia Bulletin, which interviewed a reporter for the Bulletin had with General Lee at his home, "Tavenawood," Fairfax county, the rightful owner of the precious heron makes it plain that he will not resort to legal action in order to get possession of the Bible.

All Virginians who know General Custis Lee and know of his right disposition, will be glad to appear in public in any way, and especially in print, will be surprised that he allowed himself to be interviewed.

However, the interview is a most interesting one and The Times-Dispatch presents it in full, as taken from the Bulletin, together with the interesting story of General Lee's home, Ravenswood, and its surroundings.

"I shall make no formal request to Mr. Kendrick for the Bible's return," said he, "and shall for the present take no legal action. I have decided to let Mr. Kendrick work out the matter in his own mind and come to a decision as his conscience directs. He knows my right to the book, and I believe that he will ultimately turn it over to me."

**STORY OF THE BIBLE.** An account of the discovery of the Custis Bible a year ago in the hands of Mr. Kendrick, and the subsequent efforts of Miss Mary Lee, acting in the interests of her brother, General Custis Lee, to recover it, is published in the Bulletin last month ago. It aroused widespread interest throughout the country among all lovers of revolutionary relics, and especially among the many descendants of Martha Washington, from whom the Bible descended to the wife of General Robert E. Lee. But it has been to Mr. Kendrick have received numerous letters setting forth the claims of the Lees to the Bible, but which he has been unwilling to turn it over to them. He prefers, he says, to give it to some national southerner, having purchased it as he says, twenty-two years ago from a Mr. Stein, who received it from his father, who was a soldier in the Union army. Mr. Kendrick claims the right to dispose of it as he

deems, more or less, and my mill on four acres, in the county of Alexandria, and the lands of mine adjacent to said mill, in the counties of Alexandria and Fairfax, in the State of Virginia, are and shall be, and shall remain, to me and to my heirs and assigns forever, and to the heirs and assigns of my said father, during the term of her natural life, together with my horses and carriages, furniture, and other personal property, during the term of her natural life.

"On the death of my daughter, Mary Lee, on the night of the 10th of July, 1861, I give and bequeath to my eldest son, General George Washington Custis Lee, and to his heirs forever, he, my said eldest grandson, taking my name and arms."

"I have thought several times since the discovery of the book that it is my duty as a father to my only son, to recover it, if not for my own sake, for that of my two sisters and my nephews, the sons of my dead brother. If I were to give the book to my daughter, I would be giving the matter her legal proceedings would be barred by the statute of limitations. I believe that the best way to get the book back into my hands is to give it to my eldest grandson, General George Washington Custis Lee, and to let him give it to my daughter, if she so desires, and I believe he will return the Bible to us of his own free will."

**FITZ, LEE HAS NO CLAIM.** In regard to the assertion recently made by Mr. Kendrick that General Fitzhugh Lee, in his opinion, has no claim to the Bible, General Lee said:

"Fitzhugh Lee has no claim whatever to the Bible. He is a son of Sidney Smith Lee, who was a brother of my father. Neither he nor his wife were in any way connected with Martha Custis Lee. Some time ago I received a letter from a gentleman in Philadelphia enclosing one from Fitzhugh Lee, in which he expressed his desire that the Bible be returned to him. I have never seen him since, and I have never heard of him since."

"My mother and sisters took nothing from the house at the time the Bible was taken away. The paintings, some of which you see in this room, they took from the frames, leaving the latter hanging on the walls, and the servants were left at the house, just as though the family was going away on a trip. My mother believed since we were still in the hands of the rebels, that the place was to be confiscated. In fact, I do not think the Federal authorities themselves had this idea at that time."

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"At this time my father was in Richmond and my brother and I were also in Richmond. My father was at Washington, in the engineer corps of the United States army, and, on the occasion of his resignation, he went to Washington and tendered his resignation. It was not accepted, however, and I was requested to fill his position as an assistant engineer at Washington before resigning. I

acquiesced and returned to Fort Washington, stopping at Arlington on my way. My mother and sisters were still there.

"A week later, however, when I stopped again on my way to Washington, I found that the place was in the hands of the Union troops, within miles of it, and I went to Washington, where the restoration was at once accepted. The feeling of our old home did not take place, as I understand it, until sometime later, when the Northern troops took possession of it."

**ANOTHER MISAPPREHENSION.** "Another misapprehension in regard to the taking of the Washington and Custis heirlooms is that they were seized by government authorities. This is not the matter, in that they were taken from the house by personal friends of our family. My father and my brothers and I had many intimate friends, some dating from West Point days, who when our home was seized, took the value to us of the Washington relics. They gathered them together and conveyed them to a safe place, where they were hidden, as I believe, to have them restored to us immediately at the settlement of the trouble between the North and South."

"The Custis Bible was one of a number of Bibles in the house, and it was overlooked by them. It must have been picked up by a soldier who saw the autographs in it and recognized its value."

"At the close of the war the other relics, according to my recollection, were found by a soldier who saw the autographs in them, and they were returned to us. I gave them into the charge of my sister, who was at the time in the city of Washington. Some she has donated to the Ladies of Mt. Vernon, among them the death bed of Washington."

"The old family Bible, which was so precious in my mother's eyes, is the only heirloom which is yet to be returned to us."

**AN EVENTFUL LIFE.** As General Lee finished talking he sank into a reverie, with his eyes fixed on the glowing embers in the fireplace, giving himself over to some mementos to other memories of the great old times of his life. These all now a great part of his life, as his active career ceased with his resignation from the presidency of Washington and Lee University.

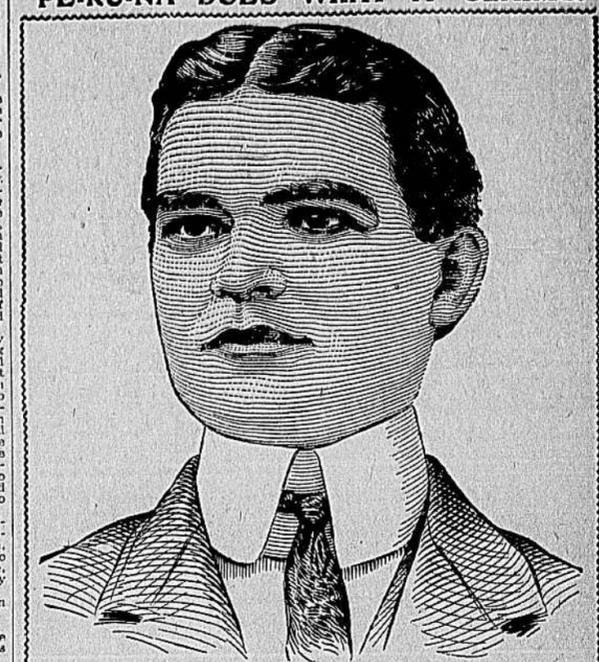
General Lee's life has been an unusually eventful one. Born in 1822, at Fortress Mifflin, in the West Point Military Academy in his youth and was graduated in 1841. Following his graduation he served on the military engineering corps of the Civil War. He followed his father's example and adopted the Southern cause, being soon appointed an aide-de-camp to Jefferson Davis. Later he rose to the rank of major-general, in which position he served until he was rendered to the Union forces at Sailor's Creek. At the conclusion of the war he taught at the Virginia Military Institute, and in 1871 succeeded his father as president of the Washington and Lee University, which position he held until 1879.

Since then he has been president emeritus. General Lee received the degree of LL. D. from Tulane University. He was never married and has no children. The younger generation to carry down the family name are the two sons of his deceased brother, William Henry Fitzhugh Lee. One of these young men is a physician and the other, already on the road to a part in the nation's affairs, is a member of the State legislature at Richmond.

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Commodore Nicholson, 137 R Street, N. W., Washington, D. C., writes:

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WITH THE SICK.

Mr. Danner Improving and Dr. Taylor Much Better.

Mr. Frank W. Danner, who was paralyzed on Monday, was greatly improved last night, and, though it is impossible at this time to state with certainty, his friends and relatives are encouraged to hope that he will yet recover. He has not yet recovered his speech.

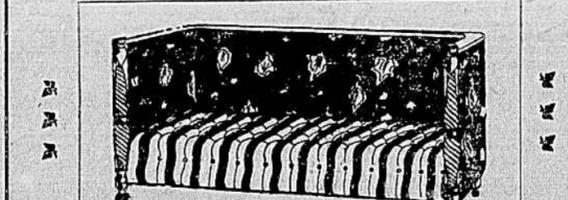
Dr. Hugh M. Taylor, who has been ill for several days, was decidedly better last night. His speedy recovery is now confidently expected.

Mr. John T. Powers, a Cary Street commission merchant, who has been ill for his many years and been a member of the staff of the Times-Union, is reported to be somewhat improved.

MAJOR PEABODY DEAD.

Prominent Florida Newspaper Man Passes Away Unexpectedly.

SANFORD, Fla., March 8.—Major E. W. Peabody died this afternoon at 5 o'clock. His death was peaceful, but wholly unexpected. He was out in carriage Monday afternoon to meet the congressional candidates. Major Peabody was a veteran newspaper man, and for many years had been a member of the staff of the Times-Union. He probably was better acquainted with the people of Florida than any other man.

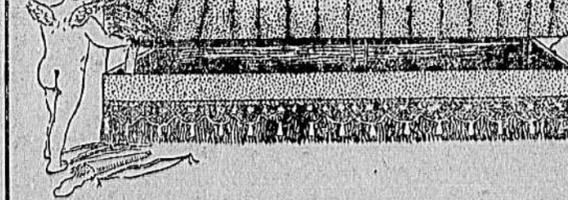


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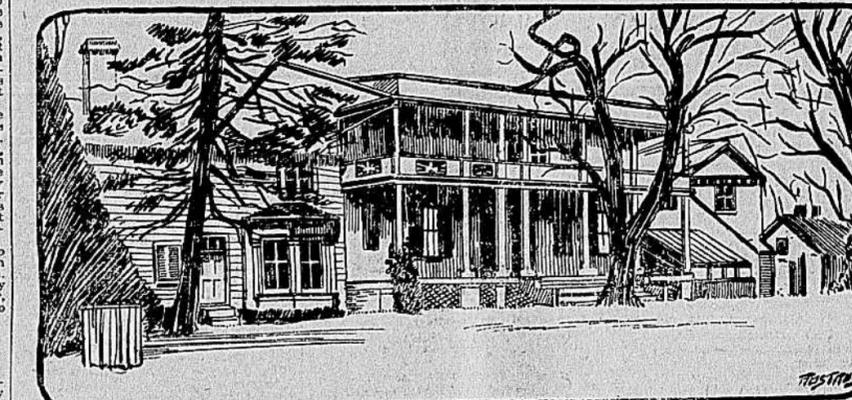


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RAVENSWOOD, THE HOME OF GENERAL CUSTIS LEE.

wishes. He admits that the Bible came into the hands of Mr. Kendrick from the fact that he took it from the Arlington estate, where it was left when the place was vacated by Mrs. Lee and her family, and that such a relic should be the property of the nation rather than of the Lees.

The legal proceedings, which were conducted by Miss Mary Lee, consulted a Philadelphia attorney some months ago, were not instituted, and an interview with the late General Custis Lee, who learned his intentions in regard to the Bible.

**TITLE LEE HOME.** Ravenswood, the present home of General Lee, is situated on a hillside of about fifteen miles beyond Alexandria, in Fairfax county, Virginia, about five miles from the city of Washington. It was built by William Fitzhugh Lee, who was a major-general in the Confederate army, and was the father of General Fitzhugh Lee, who was a member of the Washington and Lee University. In 1827 General Lee moved from Lexington, Va., to the house, which he built with his brother's widow and her sister.

The house, situated in the midst of an estate embracing thousands of acres of richly wooded and cultivated fields, is a frame structure, consisting of a main building and two wings. The main part of the house is a two-story structure, and the wings are one-story buildings. The house was built by William Fitzhugh Lee, who was a major-general in the Confederate army, and was the father of General Fitzhugh Lee, who was a member of the Washington and Lee University.

The interior of the house follows the colonial style of the exterior, with its large rooms and lofty ceilings and broad windows. The main part of the house is a two-story structure, and the wings are one-story buildings. The house was built by William Fitzhugh Lee, who was a major-general in the Confederate army, and was the father of General Fitzhugh Lee, who was a member of the Washington and Lee University.

On the side of the room opposite the fireplace, with the sideboard between them, were full-length portraits of George and Martha Washington, copies of the originals, which were left in the care of the Washington and Lee University at Lexington by General Custis Lee when he resigned from the presidency of the institution.

Another large portrait was that of General William Henry Fitzhugh Lee, who was the father of General Robert E. Lee. Many other smaller paintings interspersed the walls, most of them dating from Revolutionary times, and several of the figures were of the same family.

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